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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/631,790	08/01/2003	Maki Hamaguchi	240883US0 1684		
22850	7590 07/12/2006		EXAMINER		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET			MOORE, KARLA A		
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER	
			1763		
			DATE MAILED: 07/12/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.	Applicant(s)		
10/631,790	HAMAGUCHI, MAKI		
Examiner	Art Unit		
Karla Moore	1763		

Examiner Kartla Moore 1783	Advisory Modern	10/031,790	I IAWAGOOTII, WAK	•				
The RRELY FILED 19 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. Me here plv was filed after a final rejection, but prior to or an the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal fully appeal fee) in compliance with 37 CFR 1.131. or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ∑ The period for reply expires 2 months from the mailing date of the final rejection. b) ∏ he period for reply expires 3 months from the mailing date of the final rejection. b) ∏ he period for reply expires 3 months from the mailing date of the final rejection. c) ∏ here period for reply expires 3 months from the mailing date of the final rejection. b) ∏ he period for reply expires 3 months from the mailing date of the final rejection. c) ∏ here in the final rejection of the final re	Before the Filing of an Appeal Brief	Examiner	Art Unit					
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1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandoment of this application, applicant must timely file one of the following replies: (1) an amendment, affadwil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires on: (1) the making date of the final rejection. b) ☐ The period for reply expires on: (1) the making date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (6), ONLY CHECK BOX (6) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 760.70(f). Extensions of time may be obtained under 37 CFR 1.13(a); a The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final rejection, or (2) as set for thin (a) above, if checked. Any reply neceived by the Office later than three morths after the making date of the final rejection, or (2) as set for thin (a) above, if checked. Any reply neceived by the Office later than three morths after the making date of the final rejection, or (2) as set for thin 1.74 (a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set for thin 1.75 (a) and the period set for the final rejection of the final	The MAILING DATE of this communication appe	ears on the cover sheet with the d	orrespondence add	ress				
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in comdition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 3_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: if Dox 15 schecked, check either box (a) or (b). ONLY CHECK BXOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See NPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee atorth in (b) above. If checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if invely fleet, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b), to avoid dismissal of the appeal. Since a Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS In proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because t	THE REPLY FILED 19 June 2006 FAILS TO PLACE THIS APP	PLICATION IN CONDITION FOR A	LLOWANCE.					
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6.	4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice of Non-Co	mpliant Amendment	(PTOL-324).				
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Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's amendments to claim 1 include the subject matter of previously rejected claims 2 and 3. To account for the additional subject matter, amended claim 1 would be rejected using the prior art previously relied upon for cancelled claims 2 and 3. The rejections of dependent claims 4 and 15 would also be changed accordingly.

With respect to claims 15-18, Applicant continues to argue that Ito discloses a sleeve in contact with or close enough to the wall such that only impermissible hindsight would suggest to one of ordinary skill in that art that it might be beneficial and/or advantageous to provide a glass-like carbon component for CVD apparatus with a protective surface over its entire surface. Examiner disagrees. The courts have ruled that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Admittedly, Ito is not expressly designed to allow gas to enter between the outer surface of the liner member and the outer wall, but this does not mean that it would never happen and therefore one of ordinary skill in the art would never consider that it may happen and incorporate means to protect the outer wall in case it did happen. One or ordinary skill in the art would surely recognize that increased protection to harmful processing materials could be achieved by providing a protective surface on an entire surface of a glass-like carbon component of a CVD apparatus.

Finally, with respect to Applicant's arguments that the cited prior art fail to suggest the technical idea of surface design of a glass-like carbon component for the same purpose as the claimed invention, Examiner notes that the courts have ruled that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See Ex parte Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).